

000131

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

VS.

RUSSELL COUNTY, ALABAMA

JERRY WHITLEY

CASE NO. CC-02-186,187,188

MOTION IN LIMINE

Comes now the State of Alabama by and through its District Attorney, and moves this Honorable Court for an order prohibiting the following:

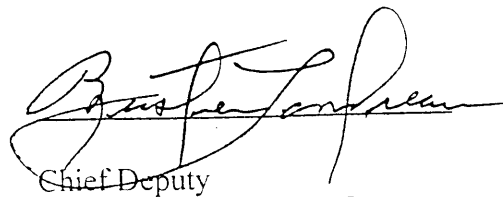
1 - Defense Counsel from referring to in opening or closing argument, questioning or mentioning in any way the alleged quantity of Methamphetamine in the mixture seized or the ratio of Methamphetamine to other substances in the mixture seized..

In support thereof the State show that upon the best belief and information available it is the intent of the Defendant to offer such evidence. Further:

1 - Under Alabama law the charge of Trafficking in Methamphetamine refers to the possession of 28 grams or more of Methamphetamine or any mixture containing Methamphetamine. The quantity or ratio of the controlled substance to the remaining mixture is irrelevelant, immaterial and inadmissible.

Done this 4th Day of December, 2002

BUSTER LANDREAU



Chief Deputy

12/5/02 - Motion granted in part
and denied in part in open
court

FILED IN OFFICE

2002 DEC -4 PM 12:13

CIRCUIT COURT
RUSSELL COUNTY
ALABAMA

District Attorney

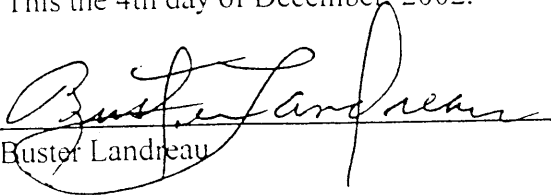
26th Judicial Circuit

LAN 034

Certificate of Service

I hereby certify that I have served a copy of said notice upon the Attorney for Defendant, Laurel Farrar, by placing a copy of the same in a box reserved in her name in the Office of the Circuit Clerk of the 26th Judicial Circuit

This the 4th day of December, 2002.


Buster Landreau

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)	CRIMINAL CASE NUMBER
Plaintiff,)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

MOTION FOR APPROVAL OF COURT REPORTER EXPENSES
PURSUANT TO MAY v. STATE

FILED IN OFFICE
 2007 JUL -4 PM 5:52

Comes now JERRY E. WHITLEY, defendant in the above-styled case, by and through his attorney, and requests the Court to approve in advance the reimbursement of expenses for a certified court reporter to furnish transcripts of the guilty pleas of defendant's co-defendants Wayne Meadows and Steve Mosseson and a transcript of the suppression hearing in the above-stated case. In support of this request, defendant respectfully shows the Court as follows:

1. The Alabama Court of Criminal Appeals held in *May v. State* that "expenses reasonably incurred" are reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), such expenses must be approved by the Trial Court prior to being incurred.
2. It is necessary that defendant's counsel have the use of transcripts of the guilty pleas of defendant's said co-defendants and a transcript of testimony at the suppression hearing in this case in order to effectively cross-examine the State's witnesses at the trial of the case.

WHEREFORE, defendant moves this Court to approve payment to Laurel W. Farrar at the conclusion of the above-styled case for expenses relating to the foregoing in the projected amount of \$ 400.00

EZELL & CHANCEY, LLP

By:



Laurel W. Farrar

Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for defendant and that I have served a copy of the within and foregoing motion upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 4th day of December, 2002.



Laurel W. Farrar

STATE OF ALABAMA

VS.

JERRY WHITLEY

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*
*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

RESPONSE TO MOTION FOR CONTINUANCE AND MOTION FOR EXPENSES

Comes now the State and requests this Court to deny the Motion for Continuance and Motion for Expenses filed by the Defendant and as grounds says as follows

1 - The defendant is charged with Trafficking in Methamphetamine in that the defendant possessed 28 grams or more of Methamphetamine or a mixture containing Methamphetamine.

2 - Under Alabama law if the mixture is one where the controlled substance is commingled and diffused with other substances (which is the case here), the weight of the entire mixture should be counted **Ex Parte Fletcher** 718 So 2d 1132 (1998).

3 - The constitutionality of this statute has been tested ad our Courts have held that it does not violate equal protection or cruel and unusual punishment provisions **Washington v State** 200 Ala Crim App Lexis 120 (2000)

4 - Heretofore the Defendant has obtained an independent expert to analyze the substance. That expert has rendered an opinion that the mixture contains Methamphetamine.

5 - The Defendant now seeks a continuance and Extra Expenses, one day before the scheduled trial, to bring this expert to Court for the purpose of testifying that there is a small amount or ratio of Methamphetamine in the mixture.

6 - Such testimony is irrelevelant and immaterial under our law and further would be inadmissible at trial. Therefore it would be a waste of money to bring an expert from Nevada to attempt to testify to inadmissible matters.

7 - Further the Defendant has previously requested and been granted continuances in this matter.

8 - Further the defendant has known for months of the trial date and waited until just before trial to make any attempt to bring the expert to Court of bring the matter to the Court's attention.

WHEREFORE, these premises considered, the State moves this Court to deny the Motions filed by the Defendant.

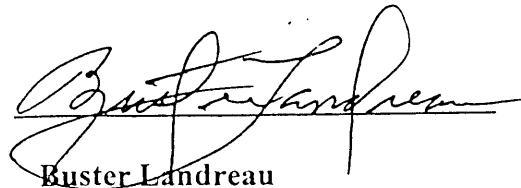
Respectfully submitted,

KENNETH DAVIS

DISTRICT ATTORNEY

26TH JUDICIAL CIRCUIT

BY:



Buster Landreau

Chief Deputy District Attorney

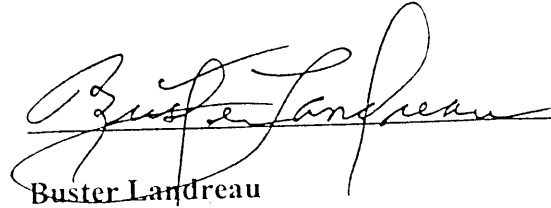
LAN 034

FILED IN OFFICE
2002 DEC -4 PM 12:13
CLERK OF COURT
JULIA J. BROWN

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Motion to the Attorney for the Defendant **Laurel Farrar** by placing a copy of the same in a receptacle reserved in his name in the Office of the Circuit Clerk of Russell County.

This 4th Day of December, 2002.

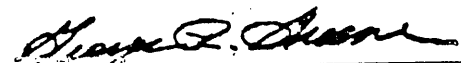

Buster Landreau

STATE OF ALABAMA)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF)	RUSSELL COUNTY, ALABAMA
)	
VS.)	CASE NO. CC 02-186-188
)	
JERRY WHITLEY)	
)	
DEFENDANT)	

ORDER

The defendant having filed a motion to continue and the State a response to said motion and the Court reviewing and considering said motion and response, it is ORDERED that the defendant's motion to continue is denied.

DONE this the 4th day of December 2002.



JUDGE, CIRCUIT COURT

FILED IN OFFICE
2002 DEC -4 PM 3:22
CIRCUIT COURT
RUSSELL COUNTY, ALA.

TERM DATE: 12-02-2007 PANEL: 001 STATUS: A
 STRIKE JUPOR'S NAME STRIKE JUPOR'S NAME

0009 BRADSHAW ELSA ROSERO
 0020 CALHOUN ROBERT LEE
 0025 COCHRAN (CHIP) EMORY A
 exc. 0027 GORGORAN S MIKE
 0028 COX GORDON EUGENE C 103
 10-0033 DEESE JESSE ROY
 0038 ELLIOTT ALPHONSO
 7 0039 ETHRIDGE C WAYNE
 0041 FINCHER JAMES JULIUS DE 1
 0044 FREY LLOYD CECIL 2
 1 0046 GLAZE TANYA FREEMAN
 2 0057 HOLLOWAY WILLIE GRIGGS
 4 0059 HOOD OZELL
 3 0062 HUCULEY EVELYN B
 0068 JOHNSON-GIBBS NICOLE
 exc. 0070 JONES MICHAEL WAYNE
 0071 JORDAN TAMARA MATTHEWS 7
 0073 KIRBY DEL LEE
 11 0076 LANDINGHAM T GARY Alt
 exc. 0077 LEE TIFFANY DANIELLE
 0078 LEWIS ANNIE LEE WILLIAM 6
 8 0083 MARTIN MINNIE ELAINE 9
 0089 MOORE BOB THOMAS
 0100 POWELL JIMMY E
 0101 RATHEL E JO
 0103 RICE G RONNIE 10
 0106 SANDERS SYLVIA JOHNSTON
 0108 SCHLEY DESHUNDA LAFAYE
 0109 SCOTT-CROW MICHELLE
 0110 SELLS MARY TIPPS
 0111 SESSIONS KIM MICHELE 5
 1/0 0113 SMITH JESSIE WILLIAMS

8 0115 THACKER PEGGY ROGWITA
 0117 THOMAS STACEY 9
 0123 WELLS WANDA HUTCHINS 4
 0128 WOLFINGER RODNEY MARTIN 9

CC-02-186-187-188 12-05-02
 State of AL vs Jerry Whitley
 Landreau Farrar

S	D
1-48	1-41
2-57	2-44
3-62	3-28
4-59	4-123
5-113	5-111
6-20	6-78
7-39	7-71
8-115	8-83
9-117	9-128
10-33	10-103
11-76 Alt.	

STATE OF ALABAMA

V.

JERRY WHITLEY

* IN THE CIRCUIT COURT OF
*
* RUSSELL COUNTY, ALABAMA
*
* CASE NO. CC-02-186-187-188

State's Potential Witnesses

✓1 - SHERWIN BOSWELL

✓2 - JASON WHITTEN

✓3 - JIM PRICE

✓4 - JOHN MEMMO

✓5 - WAYNE MEADOWS

6 - STEVE MOSESON

✓7 - CHRIS McKINSTRY

✓8 - MELISSA KELLEY

✓9 - Jody Williford

~~Caylene White~~

000141

Steve Moseson

~~Wayne Meadows~~

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #1

I charge you Ladies and Gentlemen of the Jury that if a person is knowingly in possession of 28 grams or more of Methamphetamine of any mixture containing Methamphetamine then he is guilty of the crime of Trafficking in Possession.

GIVEN _____

DENIED 12/5/02

given in original general charge

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #2

I charge you Ladies and Gentlemen of the Jury that ~~if~~^{may} where an illegal drug is commingled with or diffused in a mixture, you ~~must~~^{may} count the weight of the entire mixture in determining if the defendant knowingly possessed 28 grams or more of a methamphetamine mixture.

GIVEN _____

DENIED _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #3

I charge you Ladies and Gentlemen of the Jury that when a controlled substance is found
rebuttal presumption
on premises controlled by the defendant there is an inference under the law that the defendant
possessed the controlled substance.

GIVEN _____

DENIED _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #4

I charge you Ladies and Gentlemen of the Jury that constructive possession occurs when a defendant exerts or is able to exert dominion and control over the controlled substance.

GIVEN _____

DENIED _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #5

I charge you Ladies and Gentlemen of the Jury that a defendants knowledge of a controlléd substance may be established by circumstantial evidence and does not depend upon ownership.

BUT DOES REQUIRE POSSESSION

GIVEN _____

DENIED _____

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)	CRIMINAL CASE NUMBER
Plaintiff,)	CC-02-186, 187, 188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

DEFENDANT'S REQUESTED JURY CHARGE #1
CONSTRUCTIVE POSSESSION

One of the elements which the State must prove in this case is possession. What do we mean by "possession?" To Possess means to have actual and immediate dominion or control over the object alleged to be possessed. There are two kinds of possession: actual and constructive. Where the State seeks a conviction based on the accused's alleged constructive possession of illegal drugs, it must establish that the accused had knowledge of the presence of those drugs.

If you find that the accused is in exclusive possession of the premises where the illegal drugs are found, it may be inferred that he had knowledge of the presence of the drugs. However, if you find that the accused is not in exclusive possession of the premises where the drugs are found, you may not infer that the accused knew of the presence of those drugs without some other circumstances to support such an inference.

Palmer v. State, 593 So.2d 143 (Ala. Crim. App. 1991).

glin *12/5/02*
grg

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)	CRIMINAL CASE NUMBER
Plaintiff,)	CC-02-186, 187, 188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

DEFENDANT'S REQUESTED JURY CHARGE #2
ELEMENTS OF CONSTRUCTIVE POSSESSION

There is an inference of constructive possession when the controlled substance is found on the premises owned or controlled by the accused. Three elements are necessary to establish possession of a controlled substance. They are:

1. Actual or potential physical control,
2. Intention to exercise dominion,
3. External manifestations of intent and control.

Rawls v. State, 585 So.2d 241 (Ala. Crim. App. 1991).

Donahoo v. State, 505 So. 2d 1067 (Ala. Crim. App. 1986).

gmi 12/5/0

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,CRIMINAL CASE NUMBER
CC-02-186, 187, 188

vs.

JERRY E. WHITLEY,
Defendant.**DEFENDANT'S REQUESTED JURY CHARGE #3**
REQUIREMENT OF PROOF OF POSSESSION

Conviction for the possession of illegal drugs cannot be based on constructive possession alone. Where the state relies on constructive possession, it is necessary that the prosecution prove that the defendant had knowledge of the presence of the illegal drugs. Moreover, where the accused is not in exclusive possession of the premises upon which illegal drugs are found, this knowledge may not be inferred without other evidence that connects the defendant with the contraband.

McGruder v. State, 560 So. 2d 1137 (Ala. Crim. App. 1989).

given 12/5/02

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA

VS.

JERRY E. WHITLEY

DEFENDANT.

CASE NO. CC 02-186

GUILTY VERDICT

We the jury, find the defendant, Jerry E. Whitley guilty of the offense of Trafficking in Methamphetamine as charged in the indictment.

Nicole Gibbs

Foreperson

12-5-02

Date _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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*

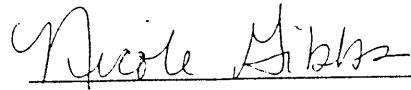
IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186

JURY VERDICT

We, the jury, find that the Defendant, Jerry Whitley did possess a firearm during the commission of the crime of Trafficking in Methamphetamine.

_____

Foreperson

STATE OF ALABAMA,

PLAINTIFF,

VS.

JERRY E. WHITLEY

DEFENDANT.

) IN THE CIRCUIT COURT OF

) RUSSELL COUNTY, ALABAMA

) CASE NO. CC 02-186

)

)

VERDICT

December 5, 2002. Now comes the defendant, with assistance of counsel, for trial by a jury of twelve upon his plea of not guilty.

December 5, 2002. Now comes the jury and returns its unanimous verdict as follows: "We, the Jury, find the defendant, Jerry E. Whitley, guilty of the offense of Trafficking in Methamphetamine, as charged in the indictment.

The jury also found from the evidence that the defendant, Jerry E. Whitley did possess a firearm during the commission of the crime of Trafficking in Methamphetamine.

Date: December 5, 2002; Nicole Gibbs, Foreperson."
The verdict being in proper form, the Court accepts the verdict.

The defendant is remanded to the custody of the Sheriff of Russell County. Sentencing is scheduled for January 14, 2003 at 10:00 A.M.


George R. Greene, Circuit Judge

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,


vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188**ORDER ON MOTION FOR APPROVAL OF
COURT REPORTER EXPENSES**

Upon consideration of the Motion for Approval of Court Reporter Expenses Pursuant to *May v. State* filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the expenses requested to be reimbursed relating to transcripts of guilty pleas of co-defendants and testimony presented at the suppression hearing in the case are "expenses reasonably incurred" and due to be approved in advance and that said motion is due to be granted.

IT IS, THEREFORE, ORDERED that the Comptroller for the State of Alabama reimburse Laurel W. Farrar at the conclusion of her representation of the defendant at the trial court level in the above-styled case the projected approximate sum of \$ 400 for the purpose of obtaining the said transcripts.

SO ORDERED, this 4th day of December, 2002.



Honorable George R. Greene
Judge, Russell County Circuit Court

FILED IN OFFICE
2002 DEC -9 PM 11:46
RUSSELL COUNTY ALA

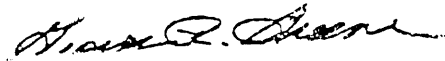
Case 3:05-cv-00427-MEF-CSC Document 12-5 Filed 07/19/2005 Page 24 of 50
STATE OF ALABAMA)
)
 PLAINTIFF,)
)
 VS.)
)
 JERRY E. WHITLEY)
)
 DEFENDANT.)

IN THE CIRCUIT COURT OF 000154
RUSSELL COUNTY, ALABAMA
CASE NO.: CC 02-186-188

ORDER

The defendant having filed a Motion in Limine and the Court having considered same, the Motion is granted in part and denied in part in open court on the day of trial.

DONE this the 5th day of December 2002.



JUDGE, CIRCUIT COURT

FILED IN OFFICE
2002 DEC -9 AM 11:46
CIRCUIT COURT
RUSSELL COUNTY

STATE OF ALABAMA

PLAINTIFF,

VS.

JERRY E. WHITLEY

DEFENDANT.

IN THE CIRCUIT COURT OF

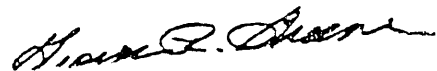
RUSSELL COUNTY, ALABAMA

CASE NO.: CC 02-186-188

ORDER

The defendant having filed a motion for approval of extraordinary expenses for additional laboratory analysis and the Court having reviewed and considered same, it is ORDERED that the motion is denied.

DONE this the 5th day of December 2002.



JUDGE, CIRCUIT COURT

FILED IN OFFICE

2002 DEC -9 AM 11:46

CIRCUIT COURT
RUSSELL COUNTY, ALABAMA

1/14/03

NAME: Terry WhitleyCC 02-186-188

EXTENSION OF PROBATION OR PAROLE DATE NOTICE FOR FAILURE
TO PAY COURT ORDERED MONIES

The length of time of probation or parole shall be automatically extended for six month intervals for all Defendants who have not fully paid all court ordered monies prior to the expiration of their initial term of probation or prior to the end of their parole date. Court ordered monies includes: fines, court costs, fees, and restitution.

The total of court ordered monies due in this case is 5667.00 + Atty fees
50,000 - Fine
1800 - Inc fe

All Defendants must keep a current address on file with the Circuit Clerk's Office of Russell County, Alabama. Failure to do so will be considered a violation of the Defendants' probation or parole. + 400 - VCF

George R. Greene
Circuit Judge

000157

STATE OF ALABAMA)

VS.)

JERRY Eugene Whitley)
DEFENDANT)

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, AL

CASE NO. CC 02-186

SENTENCING ORDER

The defendant and counsel, and counsel for the State of Alabama appeared in open court for the defendant to be sentenced on his/her conviction of Trafficking in Methamphetamine

HABITUAL FELONY OFFENDER

Defendant is sentenced as a habitual offender under the provision of Section 13A-5-9 and 10 of the Code of Alabama.

SENTENCE

- ☒ The Court conducted a sentencing hearing.
- ☒ A pre-sentence report was requested by the defendant and considered by the Court.
- ☐ Defendant waived a pre-sentence investigation and report.
- ☒ Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 35 year(s) life.
- ☐ Sentence to include five (5) years enhancement pursuant to 13A-12-270, Code of Alabama, and an additional five (5) years enhancement pursuant to 13A-12-250, Code of Alabama.
- ☐ Defendant is sentenced to the custody of the Sheriff of Russell County for a period of month(s) days.
- ☐ Defendant's sentence shall be concurrent with the sentence(s) imposed in .
- ☐ Defendant shall pay restitution in the amount of \$ to .
The Clerk of the court is authorized to collect and disburse the restitution. Restitution is to be paid prior to other court costs.
- ☒ Defendant shall be given credit for time served.
- ☒ Defendant shall pay a fine in the amount of \$ 50.000.
- ☐ Defendant shall pay \$10.00 per day incarceration fee.
- ☒ Defendant shall pay the cost of this case.
- ☒ Defendant shall pay the Alabama Crime Victims Compensation Commission \$ 500
- ☐ Defendant shall perform hours of community service.
- ☒ Defendant is assessed with \$1000.00 penalty mandated by the Demand Reduction Assessment Account, Section 13A-12-281 of the Code of Alabama which will be suspended upon defendant's agreement to enroll in rehabilitation program and pay for same. The defendant may apply to the Court to reduce the amount due by any payments defendant has made.

000178

Defendant shall undergo a substance abuse program while at the Department of Corrections.

Defendant shall complete a substance abuse program through the Court Referral Officer.

Defendant is assessed with \$100.00 to Forensic Services Trust Fund Act No. 95-733.

Defendant's drivers license are suspended for a period of 6 months.

Defendant shall reimburse the State of Alabama the costs of his/her appointed counsel.

Payment of court ordered monies shall be a condition of parole, early release, S.I.R., or work release.

Defendant shall submit to the taking of DNA samples.

Defendant shall register as a sex offender.

SUSPENDED SENTENCE

Sentence is suspended, and the defendant is placed on ___ supervised ___ unsupervised probation for a period of _____.

SPLIT SENTENCE

Sentence is suspended, and the defendant is placed on supervised probation for a period of _____, however, as a first condition of probation the defendant shall serve a period of _____ in the custody of the commissioner of the Department of Corrections/Sheriff of Russell County. Upon release from incarceration, the defendant must report within 5 days to the Russell County Probation Office.

REVERSE SPLIT SENTENCE

Sentence is suspended, and the defendant is placed on supervised probation for a period of _____; however, upon completion of said probation period, the defendant shall serve a period of _____ in the custody of the Sheriff of Russell County, Alabama.

BOOT CAMP

Defendant shall serve up to 180 days in the custody of the Commissioner of the Department of Corrections and he shall successfully complete the disciplinary, Rehabilitation program. When said program is completed or defendant is released from said program, he shall be returned to this Court for a hearing on his application for probation.

Defendant waives any right to appeal and waives any right to any post conviction remedy.

Defendant was advised that he/she has the right to appeal his/her conviction and sentence, and if declared indigent he/she has the right to appointed counsel and the court reporter's transcript will be provided without cost to the defendant.

Review is scheduled for _____, 2003 at _____.

Defendant gave oral notice of appeal.

DONE and ORDERED in open court this 14th day of January 2003.


JUDGE, CIRCUIT COURT

000179

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
VS.) RUSSELL COUNTY, ALABAMA
JERRY E. WHITLEY) CASE NOS.: CC 02-186, -187, -188

**NOTICE OF APPEAL AND MOTION TO
APPOINT APPELLATE COUNSEL**

Comes now Defendant, by and through his counsel of record, gives notice of appeal of his conviction and Sentencing Order dated January 14, 2003. in the above matters and moves the Court to appoint an attorney to represent him on appeal.

WHEREFORE, the Defendant gives notice of Appeal and prays the Court will appoint appellate counsel within the time to file a Motion for New Trial.

This the 14th Day of January, 2003.

EZELL & CHANCEY, LLP

By: 

Laurel W. Farrar

Attorneys for Defendant

1200 8th Avenue

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

FILED IN OFFICE
2003 JAN 14 AM 1:47
JERRY E. WHITLEY

000160

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Request for Discovery upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 14th day of January, 2003.

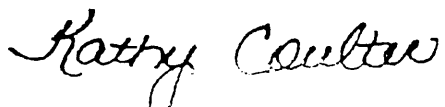


Laurel W. Farrar

TRANSCRIPT OF RECORD
CONVICTION REPORT

000161

CC 2002 000185.00 01
GEORGE P. GREENE

CIRCUIT COURT OF RUSSELL COUNTY		COURT ORI: 057015 J	
CITY OF SLO105214	VS.	DC NO: GJ 2001 000285.00	
WHITLEY JERRY EUGENE	ALIAS:	G J: 166	
150 REYNOLDS ROAD	ALIAS:	SSN: 259177161	
FORTSON GA 31808		SID: 000000000	
		AIS:	
DOB: 09/20/1965	SEX: M	HT: 5 06	WT: 145
RACE: (X)W ()B ()O	COMPLEXION:	AGE:	HAIR: BRO EYE: BRO
DATE OFFENSE: 09/21/2001 ARREST DATE: 09/21/2001 ARREST ORI: 0570000			
CHARGES @ CONV	CITES	CT CL COURT ACTION	CA DATE
TRAFFICKING-METHAM	13A-012-231(11)	01 A CONVICTED	12/05/2002
		00	00/00/0000
		00	00/00/0000
JUDGE: GEORGE R. GREENE		PROSECUTOR: LANDREAU BUSTER	
PROBATION APPLIED	GRANTED	DATE	REARRESTED DATE
()Y()N	()Y()N	()Y()N	()Y()N
15-18-9, CODE OF ALA 1975	IMPOSED	SUSPENDED	TOTAL
()Y (X)N CONFINEMENT:	35 00 000	00 00 000	35 00 000
PROBATION :	00 00 000		00 00 000
DATE SENTENCED: 12/05/2002	SENTENCE BEGINS: 01/14/2003		
PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$0.00	\$0.00
DOC/SAPP PGM	CRIME VICTIMS	\$500.00	\$500.00
DRUG	COST	\$1001.00	\$1001.00
	FINE	\$50000.00	\$50000.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$800.00	\$800.00
	ADDTL DEFENDANT	\$15.00	\$15.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$52316.00	\$52316.00
APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
(X)Y()N 1/14/03	()Y()N	()Y()N	()Y()N
REMARKS:	THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.		
Consec. to CC-02-188			
 KATHY COULTER 01/16/2003			

OPERATOR: JCS
PREPARED: 01/16/2003

NOTICE OF APPEAL TO THE ELEVENTH CIRCUIT OF CRIMINAL APPEALS

IN THE CIRCUIT COURT OF JUDICIAL CIRCUIT

JUDGE: GEORGE R. GREENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

YES	NO
YES	NO
YES	X NO
YES	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002

DATE OF SENTENCE: 12/05/2002

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 1002 000186.00

CODE: TRAF CONVICTION: TRAFFICKING-METH

ACTION: CONVICTED

STATUTE: 13A-012-261(11)

SENTENCE: CONF: 35 YRS 00 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO

LIFEWD: NO

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

--- MOTION FOR NEW TRIAL

--- MOTION FOR JUDG. OF ACQUIT

--- MOTION TO W/D GUILTY PLEA

--- MOTION FOR ATTY TO W/DRAW

--- OTHER

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.

C/O HON. GEORGE R. GREENE

PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

FARRAR LAUREL WHEELING

PO DRAWER 2500

PHONE NUMBER:

PHENIX CITY, AL 36868

334-297-2400

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

WHITLEY JERRY EUGENE

150 REYNOLDS ROAD

FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
 ABOVE IS ACCURATE TO THE BEST OF MY
 KNOWLEDGE AND I HAVE SERVED A COPY OF
 THIS NOTICE OF APPEAL ON ALL PARTIES TO
 THIS ACTION ON THIS 17th DAY OF January, 2003

 OPERATOR: SHG
 PREPARED: 01/17/2003

 Kathy Coulter / TW
 CIRCUIT COURT CLERK

000163

STATE OF ALABAMA

)

IN THE CIRCUIT COURT OF

VS.

)

RUSSELL COUNTY, ALABAMA

JERRY E. WHITLEY

)

CASE NOS.: CC 02-186, -187, -188

MOTION TO WITHDRAW

Comes now attorney for the Defendant in the above styled cases, and moves the Court to allow her to withdraw from representation and appoint an attorney to represent him on appeal.

WHEREFORE, the undersigned respectfully requests that the Court allow her to withdraw as attorney of record.

This the 21st Day of January, 2003.

EZELL & CHANCEY, LLP

By: 

Laurel W. Farrar

Attorneys for Defendant

1200 8th Avenue

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

2003 JAN 21 PM 4:00
CLERK OF COURT
JERRY E. WHITLEY

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Motion to Withdraw upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this ^{21st} ~~17th~~ day of January, 2003.



Laurel W. Farrar

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

000165

STATE OF ALABAMA,
Plaintiff,

CRIMINAL CASE NUMBER
CC-02-186-188

VS.

JERRY E. WHITLEY,
Defendant.

MOTION FOR DESIGNATION OF INDIGENCY TO
PROCEED ON APPEAL IN FORMA PAUPERIS

Comes now the defendant in the above styled action, and respectfully the Court to allow him to proceed on appeal forma pauperis upon the following grounds, to wit:

1. The defendant is penniless and unable to obtain money to appeal his case.
2. The defendant meets every test under State law that prescribes standards of indigency and an affidavit is attached herein in support thereof.

WHEREFORE, the defendant prays that he be designated an indigent for purposes of appealing from the judgment and verdict of conviction entered in this Court on the 14th of January, 2003.

Respectfully requested, this the 27th Day of January, 2003.

EZELL & CHANCEY, LLP

By:

Laurel W. Farrar

Attorneys for Defendant

1200 8th Avenue

P. O. Drawer 2500

Phenix City, AL 36868-2500

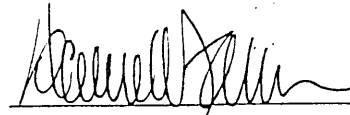
(334) 297-2400

Attorney Code FAR-036

FIELD OFFICE
JUN 21 PM 8:51

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Motion to for Designation of Indigency upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this ~~21st~~ day of January, 2003.



Laurel W. Farrar

000187

IN ALABAMA JUDICIAL DATA CENTER
BY THE TRIAL COURT CLERK
IN THE CIRCUIT COURT OF THE JUDGE: GEORGE R. GREENE
STATE OF ALABAMA COUNTY: RUSSELL COUNTY

APPEAL DATE: 01/19/2005

INDIGENCY STATUS:	---	YES	---	NO
GRANTED INDIGENCY STATUS AT TRIAL COURT:	---	YES	---	NO
APP. TRIAL COUNSEL PERMITTED TO O.D. ON APPEAL:	---	YES	---	NO
INDIGENT STATUS REVOKED ON APPEAL:	---	YES	---	NO
INDIGENT STATUS GRANTED ON APPEAL:	---	YES	---	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 11/05/2002

DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CC/CASE NUMBER: 27/CC 2002 000186.00
CODE: TRAF CONVICTION: TRAFFICKING-METH

ACTION: CONVICTED
STATUTE: 13A-012-231(11)

SENTENCE: CONF: 35 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWD: NO

POST-JUDGMENT MOTIONS FILED: DT FILED
--- MOTION FOR NEW TRIAL ---
--- MOTION FOR JUDG. OF ACQUIT ---
--- MOTION TO W/D GUILTY PLEA ---
--- MOTION FOR ATTY TO W/DRAW 01/20/2003 ---
--- OTHER ---

DT DENIED CON BY AGREE

COURT REPORTER(S):
ADDRESS:

WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:
ADDRESS:

FARRAR LAUREL WHEELING
PO DRAWER 2500

PHONE NUMBER:

PHENIX CITY, AL 36868
334-297-2400

APPELLATE COUNSEL #2:
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
ADDRESS:

WHITLEY JERRY EUGENE
150 REYNOLDS ROAD
FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:


I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 22 DAY OF Jan 03

OPERATOR: SHG
PREPARED: 01/22/2003

Kathy Coulter / TW
CIRCUIT COURT CLERK

TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2002 000186.00 01
GEORGE R. GREENE

000168

CIRCUIT COURT OF RUSSELL COUNTY		COURT ORI: 057015 J	
CITY OF SL0105214 VS.		DC NO: GJ 2001 000285.00	
WHITLEY JERRY EUGENE	ALIAS:	G J:	166
150 REYNOLDS ROAD	ALIAS:	SSN:	259177161
FORTSON GA 31808		SID:	000000000
		AIS:	
DOB: 09/20/1965	SEX: M	HT: 5 06	WT: 145
RACE: (X)W ()B ()O	COMPLEXION:	AGE:	HAIR: BRO EYE: BRO
DATE OFFENSE: 09/21/2001 ARREST DATE: 09/21/2001 ARREST ORI: 0570000			
CHARGES @ CONV	CITES	CT CL COURT ACTION	CA DATE
TRAFFICKING-METHAM	13A-012-231(11)	01 A CONVICTED	12/05/2002
		00	00/00/0000
		00	00/00/0000
JUDGE: GEORGE R. GREENE		PROSECUTOR: LANDREAU BUSTER	
PROBATION APPLIED	GRANTED	DATE	REARRESTED DATE
()Y()N	()Y()N	()Y()N	REVOKED DATE
()Y()N			
15-18-8, CODE OF ALA 1975	IMPOSED	SUSPENDED	TOTAL
()Y (X)N CONFINEMENT:	35 00 000	00 00 000	35 00 000
PROBATION :	00 00 000		00 00 000
DATE SENTENCED: 01/14/2003	SENTENCE BEGINS: 01/14/2003		
PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$0.00	\$0.00
DOC/SAPP PGM	CRIME VICTIMS	\$500.00	\$500.00
DRUG	COST	\$1001.00	\$1001.00
	FINE	\$50000.00	\$50000.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$1700.00	\$1700.00
	ADDTL DEFENDANT	\$15.00	\$15.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$53216.00	\$53216.00
APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
(X)Y()N 01/14/2003	()Y()N	()Y()N	()Y()N
REMARKS:		THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.	
		 KATHY COULTER 01/22/2003	

OPERATOR: JOS
PREPARED: 01/22/2003

State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT	Criminal Appeal 000109
---	--	----------------------------------

A. GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF RUSSELL COUNTY

JERRY EUGENE WHITLEY, Appellant

V. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

Case Number <u>CC-02-186,187,188</u>	Date of Complaint or Indictment <u>01/16/02</u>	Date of Judgment/Sentence/Order <u>01/14/03</u>
Number of Days of Trial/Hearing <u>2</u> Days	Date of Notice of Appeal Oral: <u>01/14/03</u>	Written: <u>01/14/03</u>
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Indigent Status Granted: <input type="checkbox"/> Yes <input type="checkbox"/> No		

B. REPRESENTATION:

Is Attorney Appointed or Retained? ☒ Appointed ☐ Retained. If no attorney, will appellant represent self? ☐ Yes ☐ No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>LAUREL W. FARRAR (trial)</u>	Telephone Number <u>334 297-2400</u>
Address <u>P.O. Drawer 2500</u>	City <u>Phenix City</u>
	State <u>AL</u> Zip Code <u>36868-2500</u>

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant <u>Caylene E. White</u>	Case Number <u>CC 2002-110,41</u>
Codefendant <u>Wayne Meadows</u>	Case Number <u>CC 2002-179,180</u>
Codefendant <u>Steven D. Moseson</u>	Case Number <u>CC 2002-160</u>

D. TYPE OF APPEAL: Please check the applicable block.

1 <input checked="" type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify) _____
2 <input type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - § _____	6 <input checked="" type="checkbox"/> Trafficking in Drugs - § <u>13A-12-231</u>	11 <input type="checkbox"/> Fraudulent Practices - § _____
2 <input type="checkbox"/> Homicide - § _____	7 <input type="checkbox"/> Theft - § _____	12 <input type="checkbox"/> Offense Against Family - § _____
3 <input type="checkbox"/> Assault - § _____	8 <input type="checkbox"/> Damage or Intrusion to Property - § _____	13 <input type="checkbox"/> Traffic - DUI - § _____
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	9 <input type="checkbox"/> Escape - § _____	14 <input type="checkbox"/> Traffic - Other - § _____
5 <input checked="" type="checkbox"/> Drug Possession - § <u>13A-12-212</u>	10 <input type="checkbox"/> Weapons/Firearms - § _____	15 <input checked="" type="checkbox"/> Miscellaneous (Specify): <u>Resist Arrest - § 13A-10-41</u>

F. DEATH PENALTY:
Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No

2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 01/23/03 (Date)

3. If the answer to question "1" is "No":

(a) Will a stipulation of facts be filed with the circuit clerk? ☐ Yes ☐ No

(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

K. SIGNATURE:

Date

Signature of Attorney/ Party Filing this Form

APPELLANT

JERRY EUGENE WHITLEY

v. APPELLEE

STATE OF ALABAMA

Civil Action Number

Trial Judge

GEORGE R. GREENE

Court Reporter

LINDA WILSON

County

RUSSELL

Date of Notice of Appeal

1/14/03 / 1/17/03

ORAL & WRITTEN

PART I. TO BE COMPLETED AND FILED WITH THE COURT REPORTER BY APPELLANT WITHIN 7 DAYS OF THE FILING OF THE NOTICE OF APPEAL.

A. Request is hereby made to the reporter for a transcript of the following proceedings (give particulars):

NOTE: Exhibits are included in the clerk's record and need not be specified - see Rule 10(b)(1), A.R.App.p.

☒ Entire Transcript

☐ Testimony of Plaintiff

☐ Testimony of Defendant

☐ Testimony of Witness

☐ Testimony of Witness

☐ Oral Charges to the Jury

☐ Objection to Oral Charge

☐ Objection to Refused Requested Written

Charge(s), Numbers

☐ Others:

NOTE: Unless the entire transcript is ordered, appellant must attach a statement of the issues to Pages 4 and 5.

B. I CERTIFY that I HAVE paid the Court Reporter the estimated cost of transcribing that part of the proceedings I have deemed necessary to be included in the record.

1/23/03
Date

Samuel Stearns
Signature

334-297-2400
Telephone Number

OTE: Upon Completion of PART I, Appellant should distribute pages as follows:

* Pages 1, 2 and 3 - Court Reporter Page 4 - Trial Court Page 5 - Appellee Page 6 - Retained by Appellant

PART II. TO BE COMPLETED BY COURT REPORTER ON SAME DATE TRANSCRIPT PURCHASE ORDER IS RECEIVED.

A. Date Transcript Purchase Order Received

Estimated Completion Date

Estimated Number of Pages

Estimated Cost

B. I CERTIFY THAT ☐ I HAVE ☐ I HAVE NOT (check one) been paid the estimated cost of the transcript.

Date

Signature

Telephone Number

NOTE: Upon Completion of PART II, Court Reporter should distribute pages as follows:

* Pages 1 and 2 - Retained by the Court Reporter Page 3 - Transmitted to the Appropriate Appellate Court on Same Date Transcript Purchase Order is Received.

PART III. CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT.

NOTE: This is to be completed by court reporter on date of filing of transcript in trial court. On the day of completion, this certificate must be forwarded to the appropriate appellate court (Page 2) and copies thereof shall be served on the clerk of the trial court and each of the parties.

I CERTIFY that I have this date completed and filed with the clerk of the trial court the original of a true and correct transcript of the evidence and matters designated by the parties. All pages are numbered serially in the upper right corner of the pages, prefaced by an index, and ending with the following number:

I CERTIFY that photocopies of this certificate are this date being served on the clerk of the trial court and each of the parties, along with a copy of the index (with copies of the transcript as ordered).

Dated this _____ day of _____

Court Reporter

NOTE: Upon Completion of PART III, Court Reporter should distribute pages as follows:

* Page 1 - Retained by the Court Reporter Page 2 - Transmitted to the Appropriate Appellate Court

* Distribution Code:

Page 1: White

Page 2: Blue

Page 3: Green

Page 4: Canary

Page 5: Pink

Page 6: Goldenrod

STATE OF ALABAMA

Plaintiff,

vs.

JERRY E. WHITLEY,

Defendant.

AND

JERRY E. WHITLEY,

APPELLANT,

vs.

STATE OF ALABAMA,

APPELLEE.

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA.

CASE NO: CC-02-186, 187, & 188

IN THE ALABAMA COURT OF

CRIMINAL APPEALS,

CASE NO: CR-02-0739

NOTICE OF APPEARANCE

1. The below-signed Attorney will represent the Defendant in the Appeal of his convictions in the above-styled cases. A copy of a Statement is attached which was signed by the Defendant stating that it was satisfactory for this Attorney to be retained by his parents to represent him on his Appeal.
2. The Trial Attorney, Hon. Laurel Farrar perfected the Appeal at the time of sentencing. She later filed a Motion to Withdraw which was granted by the Court. The Defendant was originally determined to be Indigent. The Trial Court has not yet appointed Attorney to represent the Defendant on the Appeal.
3. Attached is a copy of the reporters transcript order-Criminal, which has been signed by the below-signed Attorney. Financial arrangements have been made with the Court Reporter and she has been paid. The original Trial Attorney, Hon.

FILED IN OFFICE

REGISTERED AT 9:37

CLERK OF COURT
RUSSELL COUNTY, AL

Laurel Farrar, completed all of the other documents to perfect the Appeal and in fact ordered the transcript on a Civil form. The Court Reporter requested that a Criminal form be completed. However, the Court Reporter has stated that she has begun the transcript and was aware of the fact that these cases have been Appealed.

RESPECTFULLY SUBMITTED,

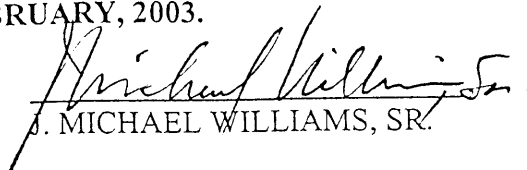


Hon. J. Michael Williams, Sr., WIL103
 Attorney for the Defendant
 P. O. Box 1068
 Auburn, Al 36831-1068
 Phone # 334-705-0200
 FAX # 334-705-0958

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the Hon. Laurel Farrar, P. O. Drawer 2500, Phenix City, Al 36868-2500, Court Reporter, Linda Wilson, 1600 46th Street, Phenix City, Al 36867, Hon. Bill Pryor, Attorney General, 11 South Union Street – ATTN: Criminal Appeals, Montgomery, Al 36101, Hon. Lane Mann, Clerk, Alabama Court of Criminal Appeals, 300 Dexter Avenue, Montgomery, Al 36104-3741, Hon. Ken Davis, Russell County District Attorney, P. O. Box 939, Phenix City, Al 36867-0939, Mr. Jerry Whitley, % Russell County Jail, P. O. Box 640, Phenix City, Al 36867-0640, Mr. & Mrs. Ray Whitley, 154 Reynolds Road, Fortson, GA 31808, by placing a copy of same in the United States Mail, postage prepaid at their respective addresses.

Done this the 17, day of FEBRUARY, 2003.



J. MICHAEL WILLIAMS, SR.

STATE OF ALABAMA,
IT

VS.

JERRY WHITLEY
A

AND

JERRY WHITLEY,
APPELLANT

VS.

STATE OF ALABAMA,
APPELLEEIN THE COURT OF
RECORD CO., ALA.

CC-02-186, 187, 188

IN THE ALABAMA COURT OF
CRIMINAL APPEALS,
CR-02-0739

STATEMENT

I, Jerry Whitley, agree to the following in regard to the appeal of the above styled cases.

1. I agree with the motion to withdraw filed by my trial attorney, Hon. Laurel Farrar.
2. My parents have retained Atty. Mike Williams to represent me on my appeal, and I agree with this.

Jerry Whitley
Jerry Whitley January 31, 2005

FILED IN OFFICE
2005 FEB 18 AM 9:38
JERRY WHITLEY
RECEIVED (M.A.)

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,CRIMINAL CASE NUMBER
CC-02-186-188

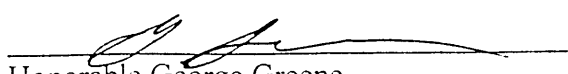
vs.

JERRY E. WHITLEY,
Defendant.FILED IN OFFICE
FEB 21 AM 8:06
JERRY E. WHITLEY
RUSSELL CO., ALORDER ON MOTION TO WITHDRAW AND
APPOINTING COUNSEL ON APPEAL

Upon consideration of the Motion to Withdraw filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that Laurel W. Farrar, attorney, be, and hereby is, allowed to withdraw from representation, and that the Hon. Chuck Floyd, attorney, be, and is, hereby appointed to represent the defendant on appeal.

SO ORDERED, this the 20 day of Feb, 2003.


Honorable George Greene
Judge, Russell County Circuit Court

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

CC-02-186, 187
and 188

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: STATE OF ALABAMA v. JERRY E. WHITLEY
Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: _____ CHARGE(s) (if applicable): _____

- ☐ CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- ☒ CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name Jerry Eugene Whitley Date of birth 09/20/65
Spouse's full name (if married) None
Complete home address None

Number of people living in household _____

Home telephone number None
Occupation/Job None Length of employment None
Driver's license number None *Social Security Number None
Employer None Employer's telephone number None
Employer's address None

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income \$ None
Spouse's Monthly Gross Income (unless a marital offense) _____
Other Earnings: Commissions, Bonuses, Interest Income, etc. _____
Contributions from Other People Living in Household _____
Unemployment/Workmen's Compensation, _____
Social Security, Retirements, etc. _____
Other Income (be specific) _____

TOTAL MONTHLY GROSS INCOME

\$ None

Monthly Expenses:

A. Living Expenses \$ None
Rent/Mortgage _____
Total Utilities: Gas, Electricity, Water, etc. _____
Food _____
Clothing _____
Health Care/Medical _____
Insurance _____
Car Payment(s)/Transportation Expenses _____
Loan Payment(s) _____

*OPTIONAL

FILED IN OFFICE
JUL 26 PM 1:18
2005

Form C-10 Page 2 of 2 Rev. 2-95

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s) _____

Educational/Employment Expenses _____

Other Expenses (be specific) _____

Sub-Total _____

B. Child Support Payment(s)/Alimony _____

Sub-Total _____

C. Exceptional Expenses _____

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only) _____

A \$ NoneB \$ None\$ None

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME _____

\$ None

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) _____

Equity in Real Estate (value of property less what you owe) _____

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe) _____

Other (be specific) _____

Do you own anything else of value? ☐ Yes ☐ No

(land, house, boat, TV, stereo, jewelry) _____

If so, describe _____

TOTAL LIQUID ASSETS _____

\$ None

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

_____ day of _____, 19 _____

Judge/Clerk/Notary _____

Affiant's Signature

Print or Type Name

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

☐ Affiant is not indigent and request is DENIED.

☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: _____

☐ Affiant is indigent and request is GRANTED.☐ The prepayment of docket fees is waived.IT IS FURTHER ORDERED AND ADJUDGED that Charles Floyd III is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20 day of Feb 2007

Judge _____

CLERK OF COURT
JUL 24 AM 8:12
2005

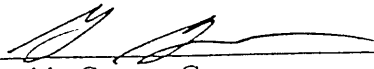
IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188**ORDER DESIGNATING INDIGENCY TO PROCEED
ON APPEAL IN FORMA PAUPERIS**

The defendant's motion for designation for indigency having been read, and upon defendant's attached affidavit of poverty having been considered, it appears that the said defendant, Jerry E. Whitley, is indigent, and because of his poverty unable to prosecute his appeal and is without funds to pay an attorney for said appeal. Whereupon, the Court does hereby designate defendant, Jerry E. Whitley, because of his poverty, as an indigent and unable to pay an attorney to prosecute this appeal.

SO ORDERED, this the 20 day of Feb, 2003.

 Honorable George Greene
 Judge, Russell County Circuit Court

 FILED IN OFFICE
 2003 FEB 24 AM 8:06
 JERRY E. WHITLEY
 RUSSELL CO., AL

IN THE CIRCUIT COURT OF RUSSELL COUNTY
STATE OF ALABAMA VS WHITLEY JERRY EUGENE JUDGE: GEORGE R. GREENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS:
GRANTED INDIGENCY STATUS AT TRIAL COURT: ☐ YES ☐ NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☒ YES ☐ NO
INDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NO
INDIGENT STATUS GRANTED ON APPEAL: ☒ YES ☐ NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002 DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000186.00
CODE: TRAK CONVICTION: TRAFFICKING-METH ACTION: CONVICTED
STATUTE: 13A-012-231(11)

SENTENCE: CONF: 35 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS LIFE: NO LIFEWD: NO

POST-JUDGMENT MOTIONS FILED: DT FILED DT DENIED CON BY AGREE
--- MOTION FOR NEW TRIAL ---
--- MOTION FOR JUDG. OF ACQUIT ---
--- MOTION TO W/D GUILTY PLEA ---
☒ MOTION FOR ATTY TO W/DRAW 01/20/2003 02/24/2003
--- OTHER ---

COURT REPORTER(S): WILSON, LINDA S.
ADDRESS: C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867

APPELLATE COUNSEL #1: FLOYD CHARLES EDDIE III
ADDRESS: P. O. BOX 759
PHENIX CITY, AL 36868
205-297-3378

PHONE NUMBER:

APPELLATE COUNSEL #2:
ADDRESS:
PHONE NUMBER:

APPELLANT (PRO SE): WHITLEY JERRY EUGENE
ADDRESS: 150 REYNOLDS ROAD
FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 24TH DAY OF February, 2003

OPERATOR: SHG
PREPARED: 02/24/2003
Kathy Coulter, TW
CIRCUIT COURT CLERK